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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,575	03/04/2005	Jeon Ho Ha	20040.00008	3816

7590 03/26/2007

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EXAMINER	
WHITE, RODNEY BARNETT	
ART UNIT	**PAPER NUMBER**
3636	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/26/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/526,575	HA, JEON HO	
	Examiner	Art Unit	
	Rodney B. White	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15,19 and 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15 and 19-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicant's arguments filed 01/17/2007 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 and 19-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 3, "each side end" lacks antecedent basis. On line 4, the newly added language "nested to height of the portion of an occupant" is unclear and confusing language. Is there a word missing? Should - - a - - or - the - - be inserted in front of "height"? Also, it is not recommended to define limitations with respect to body parts because not every person is the same size or nor do they have the same shape or physique. Just because Urban (U.S. Patent No. 4,145,083) appears to lack the capability of "nesting to the height of the pelvis" of one person/user to the Applicant does not mean that it will not achieve that function with another person/user.

In claim 2, should the word "demountable" be - - detachably mounted - - instead?

In claim 4, line 2, "the edge" lacks antecedent basis.

In claim 5, line 3, "the exterior" lacks antecedent basis.

In claim 6, line 3, "the rim" and "the rear portion" lack antecedent basis.

In claim 8, line "the central bottom" lacks antecedent basis.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Urban (U.S. Patent No. 4,145,083) in view of Long (U.S. Patent No. 6,098,000).

Urban teaches a pelvis remedial seated device for attachment to a chaircomprising: a seat 11 including a seat cushion 17 on which an occupant is to be seated and left/right seat sides 18,22,23 provided uprightly at each side end of the seat cushion; a pair of air bags 27 nested on an inner side of each side for enabling themselves to be expanded or contracted by air supplied into or discharged from the

inside of the air bag; and, air injection means for providing air pressure to the air bags 27; wherein the expanding air pressure in the air bags presses the pelvis portion of an occupant and wherein a flexible fabric 44 is installed round the edge of each fight/left seat side 18,22,23, and each air bag 27 is nested between the flexible fabric 18 and the inner side of each right/left seat side 18,22,23 but does not teach a controller for controlling running time, level , and direction of air flow supplied through the air injection means. However, Long teaches such a controller for controlling running time, level , and direction of air flow supplied through the air injection means. (See specification and Drawings). It would have been obvious and well within the level of ordinary skill in the art to modify the device as taught by urban, to include a controller for controlling running time, level , and direction of air flow supplied through the air injection means, as taught by Long, siince it would make the device easier to operate and make adjustments when needed.

Claims 2-3, 5-15, and 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Remarks

In Applicant's remarks, on page 10, in the last paragraph, and page 11, the first paragraph, Applicant argues "

"Two major differences between the presently claimed invention and the chair disclosed in Urban are first, the chair disclosed in Urban does not have an air injection means controllable by a controller as in the presently claimed invention, and second, in contrast to the presently claimed invention having air bags at right and left sides, but not on the seat back, the chair disclosed in Urban has air bags in the seat back as well as in the side walls. In addition, the height of the demountable first seat back in the presently claimed invention is extended only up to the pelvis of an occupant while the height of the seat back disclosed in Urban is extended to support the head and is pivotally fixed to the seat bottom. Accordingly, it is believed that the presently claimed invention is not anticipated by Urban."

However, Applicant appears to be arguing limitations that do not exist in claim 1. Despite having airbags on the seat back, the Urban patent does meet the limitation of having air bags at right and left sides. The fact that it has air bags on the seat back is irrelevant. And if Applicant had included the language "the height of the demountable first seat back in the presently claimed invention is extended only up to the pelvis of an occupant", in which he argues in lines 1-2 on page 11 of his "Remarks", that language would have been given a 112/2nd rejection. As noted above, limitations should not be defined with respect to body parts or with respect to people because people are of different sizes and shapes and such a limitation is not going to be true for every person.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (571) 272-6863. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on (571) 272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rodney B. White;
Patent Examiner
Art Unit 3636
March 22, 2007

RODNEY B. WHITE
PRIMARY EXAMINER